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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ALMATRAHI, FARIS S

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/719,114	<b>Applicant(s)</b> CHIA ET AL.	
	<b>Examiner</b> FARIS ALMATRAHI	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-23 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 and 26-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Application***

1. This action is in reply to applicant communication filed March 4, 2009.
2. Claims 1-11 and 24-25 are cancelled.
3. Claims 12-23 and 26-34 are pending in this application.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features recited in claims 12-23 and 26-34 such as saving the generated updating information in a storage, populating the updating information in an update store that acts as a repository of update packages whose lifecycle may be managed, enabling and disabling distribution of the updating information according to a state in the lifecycle, and packaging the saved updating information before communicating it to the distribution environment must be shown or the feature(s) canceled from the claim(s). Also the drawings are objected to because Figures 3-37 are obscured and features are difficult to make out. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 12-23 and 26-34** are rejected under 35 U.S.C 103(a) as being unpatentable over Thurston et al. (US Publication No. 2003/0217193 A1) in view of Hind et al. (US Patent No. 7,069,452 B1).

6. Regarding claims 12 and 16-17, Thurston discloses a system and method for updating firmware in an electronic device of a system, wherein the system comprises

the electronic device and a network, the method comprising: generating updating information for updating the firmware to a particular version of the firmware, in a generation environment (Abstract, Figure 3, Paragraphs [0008] – [0009]); saving the generated updating information in a storage (Paragraph [0024]); communicating the saved updating information to a distribution environment comprising a network that distributes the updating information to one or more electronic devices (Abstract, Figure 1); populating updating information (Paragraphs [0065] – [0066]); and managing the lifecycle of the updating information by enabling and disabling distribution of the updating information according to a state in the lifecycle of the updating information (Figure 7, Paragraph [0009], Paragraphs [0052] – [0053]).

7. Thurston does not explicitly disclose a network comprising an update store comprising a repository of update packages having lifecycles managed by the lifecycle management component.

8. However, Hind discloses a network comprising an update store comprising a repository of update packages having lifecycles managed by the lifecycle management component (Figure 10, Column 18 line 46 – Column 19 line 2).

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Hind in the device of Thurston reference to include an update store comprising a repository of update packages having lifecycles managed by the lifecycle management component in order to take advantage current reliable technology.

10. Regarding claim 13, Thurston discloses a method further comprising packaging the saved updating information before communicating it to the distribution environment (Figure 3).

11. Regarding claim 14, Thurston discloses a method wherein the distribution environment comprises an updating storage and a server (Abstract, Figure 1).

12. Regarding claim 15, Thurston discloses a method further comprising receiving requests for updating information (Figure 7); retrieving requested updating information from update store (Figure 3, Figure 7, Paragraph [0044]); facilitating downloads of the requested updating information (Figure 7: 720-728); verifying reception of the downloaded updating information (Figure 7: 730, 732); and utilizing the downloaded updating information to update firmware in the electronic device (Figure 7: 726, 728).

13. Regarding claim 18, Thurston discloses a system wherein lifecycle management comprises at least one of: facilitating loading of the updating information; facilitating deleting of the updating information; and facilitating editing of status information of the updating information (Figure 7, Paragraph [0032]).

14. Regarding claims 19-20, Thurston discloses a system wherein the network further comprises a lifecycle management component that manages the lifecycle of the electronic devices (Figure 3, Paragraphs [0032] – [0034]).

15. Regarding claims 21 and 34, Thurston discloses a system wherein lifecycle management comprises at least one of: provisioning of the electronic devices; determining change of ownership of the electronic devices; determining change of

subscription of the electronic devices; and determining when an electronic device is no longer in use in the system (Figure 8).

16. Regarding claims 22-23, Thurston discloses a system wherein the electronic devices maintain statistics information regarding the total number of distributed updating information and the time of distribution of the updating information and communicate the statistics information to a server (Paragraphs [0040] – [0041]).

17. Regarding claim 26, Thurston discloses a method wherein the lifecycle management system causes a change in the lifecycle state of updating information stored in a network that communicated the updating information to the one or more electronic devices (Figure 7, Paragraphs [0052] – [0053]).

18. Regarding claim 27, Thurston discloses a method wherein a particular level of system operator authority is required to change the lifecycle state of the stored updating information and to specify a time when the change of the lifecycle state of the stored updating information is to occur (Paragraph [0058]).

19. Regarding claims 28-29, Thurston discloses a method further comprising updating state information for the particular version of updating information in a database of lifecycle information for update information (Figures 1, 4, 8; Paragraphs [0026] – [0027], [0042]).

20. Regarding claims 30 and 33, Thurston discloses a system and method wherein lifecycle management of updating information comprises one or more of creating updating information, deleting updating information, editing updating information, changing state information for updating information, specifying recipients of distributed

updating information, or specifying a time to begin distributing update information (Figures 8-10, Paragraph [0037]).

21. Regarding claims 31 and 32, Thurston discloses a system and method wherein updating information comprises an update package (Figure 4).

### ***Response to Arguments***

22. Applicant's arguments filed on March 4, 2009 have been fully considered but they are not persuasive.

23. Regarding Applicant's arguments that *there is no disclosure in the Thurston and Hind reference of populating the updating information in an update store that acts as a repository of update packages whose lifecycle may be managed*. Examiner respectfully disagrees. Thurston teaches populating updating information, Paragraphs [0065] – [0066], but does not explicitly disclose a repository of update packages having lifecycles managed by the lifecycle management component. Hind was cited to teach the missing feature of a firmware repository interacting with a distribution environment. Hind clearly discloses a firmware update repository that is used in the distribution of firmware update (Figure 10). Therefore, it would have been obvious to incorporate the teachings of Hind in the reference of Thurston to include a repository of the firmware update packages. Hind reference serves to show that a firmware repository interacting in a distribution environment is old and well known in the art and would have been obvious to incorporate such a feature in the firmware lifecycle management and distribution of Thurston.



24. Regarding Applicants arguments that *there is no disclosure in the Thurston reference of managing the lifecycle of the updating information by enabling and disabling distribution of the updating information according to a state in the lifecycle of the updating information*. Examiner respectfully disagrees. The limitation as recited is interpreted to imply that managing the lifecycle of the updating information occurs by enabling and disabling distribution of the updating information according to a state in the lifecycle of the updating information. Thurston discloses in Figure 7 that distribution of update packages is enabled or disabled based on the status of the verification of system wide constraints which are based on the state of the updating information 702.

25. Regarding Applicants arguments that *there is no disclosure in the Thurston reference of retrieving the requested updating information from the update store*. Examiner respectfully disagrees. Figure 7 was cited to read on claim 15 as detailed above. Components not clear to applicant as reading on the features of claim 15 are mapped above in the rejection of claim 15. In particular, Thurston discloses extracting update information in Paragraph [0044] which reads on the retrieval of requested updating information.

26. Regarding Applicants arguments that *there is no disclosure in the Thurston reference of management consoles employed for lifecycle management of the electronic devices*. Examiner respectfully disagrees. Figures 3 and Paragraphs [0032] – [0034] disclose user interfaces that reads on consoles employed for lifecycle management of electronic devices.

27. Regarding Applicants arguments that *there is no disclosure in the Thurston reference of a lifecycle management component*. Examiner respectfully disagrees.

Figure 3 discloses a firmware update application and management application utilities 304 that read on a lifecycle management component.

28. Regarding Applicants arguments that *there is no disclosure in the Thurston reference of updating state information in a database of lifecycle information for the one or more electronic devices*. Examiner respectfully disagrees. Figure 4 and Paragraph [0042] teaches updating a version of the firmware upgrade which reads on updating state information. Paragraphs [0026] – [0027] disclose network servers that comprise the firmware upgrade packages of which the version of the firmware is updated.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571)270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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